

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 887
OFFERED BY MR. RYAN OF WISCONSIN

Strike all after the enacting clause and insert the following:

1 SEC. 1. SHORT TITLE.

2 This Act may be cited as the “Electronic Health
3 Fairness Act of 2015”.

4 SEC. 2. TREATMENT OF PATIENT ENCOUNTERS IN AMBULA-
5 TORY SURGICAL CENTERS IN DETERMINING
6 MEANINGFUL EHR USE.

7 Section 1848(o)(2) of the Social Security Act (42
8 U.S.C. 1395w–4(o)(2)) is amended by adding at the end
9 of the following new subparagraph:

10 “(D) TREATMENT OF PATIENT ENCOUN-
11 TERS AT AMBULATORY SURGICAL CENTERS.—

12 “(i) IN GENERAL.—Subject to clause
13 (ii), for a payment year after 2015 any pa-
14 tient encounter of an eligible professional
15 occurring at an ambulatory surgical center
16 (described in section 1832(i)(1)(A)) shall
17 not be treated as a patient encounter in
18 determining whether an eligible profes-

1 sional qualifies as a meaningful EHR user.

2 Notwithstanding any other provision of
3 law, the Secretary may implement this
4 clause by program instruction or otherwise.

5 “(ii) SUNSET.—Clause (i) shall no
6 longer apply as of the first payment year
7 that begins more than 3 years after the
8 date the Secretary determines, through no-
9 tice and comment rulemaking, that cer-
10 tified EHR technology is applicable to the
11 ambulatory surgical center setting.”.

